

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, NOVEMBER 8, 2004 AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**  
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ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

**=== LEGISLATIVE SCHEDULE ===**

Special Orders of Business

ITEM-30: Approval of Council Minutes.

ITEM-31: San Diego Housing Commission 25<sup>th</sup> Anniversary Day.  
DEPUTY MAYOR ATKINS’ RECOMMENDATION: Adopt the  
resolution.

### **NON-AGENDA PUBLIC COMMENT**

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

### **CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Special Closed Session Agenda for Monday, November 8, 2004, scheduled to commence immediately following the conclusion of the regular open session meeting that day. The Special Closed Session may continue into Tuesday, November 9, 2004.**

The Special Closed Session Agenda is separately available in the Office of the City Clerk and it is also posted at the same locations as the Open Session Agenda, including the City Internet address.

**NOTE:** Members of the public wishing to address the City Council on any item on the Special Closed Session Agenda should reference the closed session item number from the Special Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

#### **Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

### **COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

### **REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Amending the San Diego Municipal Code relating to Regulating Alarm Systems.  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance, which was introduced on 10/04/2004, Item 200.
- ITEM-51: Pegasus Rezone. (Mira Mesa Community Plan Area. District-5.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 10/5/2004, Item 331, Subitem-D.
- ITEM-52: Amending the San Diego Municipal Code Section 56.54 Clarifying the Definition of "Public Park," Renaming Five Parks in the University City, Scripps Ranch, and Mira Mesa Communities; and Deleting Four Locations in the La Jolla, Pacific Beach, Clairemont and Mid-City Eastern Area Communities. (Pacific Beach, La Jolla, University City, Mira Mesa, Scripps Ranch, Clairemont, and Mid-City Eastern Area Community Areas. Districts-1, 2, 5, 6, and 7.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance, which was introduced on 10/11/2004, Item 50.
- ITEM-53: Additional Funding and Second Amendment to Consultant Agreement with Earth Tech for the El Camino Real Bridge Replacement and Road Widening Project. (Carmel Valley, NCFUA Subarea II Community Area. District-1.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 10/11/2004, Item S405, Subitem-A.
- ITEM-54: Establishment and Exemption of Ethics Commission General Counsel Position.  
ETHICS COMMISSION'S RECOMMENDATION: Introduce the ordinance.
- ITEM-55: Communications Use Lease with the United States Department of Agriculture Forest Service, for the Lyons Peak Communications Site. (San Diego County/Federal Land.)  
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-100: Inviting Bids for the Replacement of Tree Root Damaged Sidewalk, Curb and Gutter Citywide FY 05 – Group C-29. (Citywide.)  
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Inviting Bids for the Construction of “Replacement of Damaged Sidewalk, Curb and Gutter CityWide FY 05 – Group C-27” (Project). (Citywide.)  
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Inviting Bids for the Construction of “Asphalt Overlay of Various Streets Citywide FY 05 – Group R-7” (Project). (Citywide.)  
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Contract Extension Option with American Asphalt South, Inc. for Slurry Sealing of Various Streets City Wide Fiscal Year 2005 – Group S-9. (Citywide.)  
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-104: Reprogramming of District Eight Community Development Block Grant Funds. (Various Community Areas. District-8.)  
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Amendment to the Undergrounding of Utilities – 2003 Calendar Year Annual Allocation. (University City Community Area. District 1.)  
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-106: North San Diego Recycling Market Development Zone (RMDZ) Redesignation.  
CITY MANAGER’S RECOMMENDATION: Adopt the resolutions.
- ITEM-107: Agreement with the San Diego Abandoned Vehicle Abatement Service Authority to Administer the Abandoned Vehicle Abatement Program.  
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-108: Agreement with U.S. Healthworks Medical Group, Prof. Corp., for Pre-Employment and Department of Motor Vehicles Medical Examinations and Drug Testing.  
PERSONNEL DIRECTOR'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: Grant Application to U.S. Attorney Project Safe Neighborhoods for City of San Diego Police Department Gun Violence Reduction Project. (Southeastern San Diego Community Area. District-4.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-110: Two actions related to Otay River Watershed Management Plan (ORWMP). Otay Community Area. (District-8.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-111: Grant Application to State of California Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 (Bond) for Cabrillo Heights Neighborhood Park Comfort Station. (Serra Mesa Community Area. District-6.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-112: Montgomery Field Heliport Relocation Project. (Kearny Mesa Community Area. District-6.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-113: Carmel Valley Building Restricted Easement Vacation. (Carmel Valley Community Area. District-1.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-114: Hands Off Halloween Week.  
COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-115: Traffic Safety Awareness Day.  
COUNCILMEMBER MADAFFER'S RECOMMENDATION: Adopt the resolution.
- ITEM-116: Challenged Athletes Foundation Day.  
COUNCILMEMBER PETERS' RECOMMENDATION: Adopt the resolution.
- ITEM-117: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (Dist. 8)  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-118: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region. (Dist. 8)  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-119: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-120: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.  
TODAY'S ACTION IS: Adopt the resolution.

Adoption Agenda, Discussion, Committee Items

- ITEM-150: Thirteenth Amendment to the Agreement with the International Boundary and Water Commission (IBWC) for the Use of the Tijuana Emergency Connection. (San Ysidro and Tijuana River Valley Community Areas. District-8.)  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 9/22/2004, NR&C voted 4 to 0 to approve.

**=== LEGISLATIVE SCHEDULE (Continued) ===**

Adoption Agenda, Discussion, Committee Items (Continued)

- ITEM-151:        Two actions related to Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005. (Carmel Valley Community Area. District-1.)  
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:  
On 9/29/2004, LU&H voted 4 to 0 to approve the City Manager's recommendation.

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-200:        Amendments to the Election Campaign Control Ordinance for the District 4 Special Election.  
ETHICS COMMISSION'S RECOMMENDATION: Introduce the ordinance.
- ITEM-201:        Amending Permanent Rules of the Council by Amending the San Diego Municipal Code Section 22.0101, Rule 6 and Rule 30, Relating to the Consent Agenda and Supplemental Items.  
CITY ATTORNEY'S RECOMMENDATION: Introduce the ordinance.
- ITEM-202:        Grant Application to State of California Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 for Winter Pools Program (Project). (University, Tierrasanta, Linda Vista, Navajo, Mid City, and Southeastern San Diego Community Areas. Districts-1, 3, 4, 6, and 7.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-203:        Fiscal Year 2005 Winter Shelter and Cortez Hill Family Center Programs.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Public Notices

- ITEM-250:        **Notice** of Settlement of Property Damage Claim of Jesse Kelly and Channa Kelly.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Public Notices (Continued)

- ITEM-251:           **Notice** of Settlement of Personal Injury Claim of Gloria Fennell.
- ITEM-252:           **Notice** of Pending Final Map Approval – Prospect Point Villas.
- ITEM-253:           **Notice** of Pending Final Map Approval – Southpark Townhomes.
- ITEM-254:           **Notice** of Pending Final Map Approval – Wilson Villas.
- ITEM-255:           **Notice** of Pending Final Map Approval - Glenridge.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment



**=== EXPANDED CITY COUNCIL AGENDA ===**

**SPECIAL ORDERS OF BUSINESS**

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:**

Approval of Council Minutes for the meetings of:

09/27/2004

09/28/2004

10/04/2004

10/05/2004

10/11/2004

10/12/2004

10/18/2004 Adjourned

10/19/2004 Adjourned

10/25/2004 Adjourned

10/26/2004 Adjourned

ITEM-31: San Diego Housing Commission 25<sup>th</sup> Anniversary Day.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2005-399)

Recognizing the 25<sup>th</sup> anniversary of the San Diego Housing Commission and commending them for their outstanding leadership and invaluable contributions to the City of San Diego;

Proclaiming November 8, 2004, to be "San Diego Housing Commission 25<sup>th</sup> Anniversary Day" in the City of San Diego.

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#### **Information Item - No Action Required - The City Council shall:**

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**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**ADOPTION AGENDA, CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

Items 50, 51, 52, and 53.

**ORDINANCES TO BE INTRODUCED:**

Items 54 and 55.

**RESOLUTIONS TO BE ADOPTED:**

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, and 120.

**ADOPTION AGENDA, CONSENT ITEMS**

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

\* ITEM-50: Amending the San Diego Municipal Code relating to Regulating Alarm Systems.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance, which was introduced on 10/04/2004, Item 200. (Council voted 8-0. Councilmember District 4-vacant):

(O-2004-151 Cor. Copy

Amending Chapter 3, Article 3, Division 37 of the San Diego Municipal Code by repealing Sections 33.3700, 33.3706.1, 33.3706.2, and 33.3707.1; amending Sections 33.3701 through 33.3715; and adding Sections 33.3716 through 33.3723; relating to burglary, robbery, and emergency alarm systems.

\* ITEM-51: Pegasus Rezone.

(Mira Mesa Community Plan Area. District-5.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/5/2004, Item 331, Subitem-D. (Council voted 8-0. Councilmember District 4-vacant):

(O-2005-40)

Rezoning 5.0 acres, located in Section 30, T14S, R2W, in the Mira Mesa Community Plan Area, in the City of San Diego, California, from the AR-1-1 Zone (previously referred to as the A-1-10 Zone) into the RS-1-14 and RX-1-2 Zones, as defined by San Diego Municipal Code Sections 131.0403 and 131.0404.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)**

- \* ITEM-52: Amending the San Diego Municipal Code Section 56.54 Clarifying the Definition of "Public Park," Renaming Five Parks in the University City, Scripps Ranch and Mira Mesa Communities; and Deleting Four Locations in the La Jolla, Pacific Beach, Clairemont, and Mid-City Eastern Area Communities.

(Pacific Beach, La Jolla, University City, Mira Mesa, Scripps Ranch, Clairemont, and Mid-City Eastern Area Community Areas. Districts-1, 2, 5, 6, and 7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/11/2004, Item 50. (Council voted 7-0. Councilmember Inzunza not present. Councilmember District 4-vacant):

(O-2005-31)

Amending Chapter 5, Article 6, Division 0, of the San Diego Municipal Code by amending Section 56.54, relating to alcoholic beverage consumption prohibited in certain areas.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

- \* ITEM-53: Additional Funding and Second Amendment to Consultant Agreement with Earth Tech for the El Camino Real Bridge Replacement and Road Widening Project.

(Carmel Valley, NCFUA Subarea II Community Area. District-1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 10/11/2004, Item S405, Subitem-A. (Council voted 7-0. Councilmember Inzunza not present. Councilmember District 4-vacant):

(O-2005-49)

Authorizing the City Manager to execute the Second Amendment to the Agreement with Earth Tech for professional services for El Camino Real - San Dieguito Road to Via De La Valle, in an amount not to exceed \$275,394, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the expenditure of an amount not to exceed \$275,394 from CIP-52-479.0, El Camino Real - San Dieguito Road to Via De La Valle, Fund 38728, for the purpose of executing the Second Amendment to the Agreement with Earth Tech, provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds are available;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to return excess funds, if any, to the appropriate reserves.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

\* ITEM-54: Establishment and Exemption of Ethics Commission General Counsel Position.

(See memorandums from Personnel Director dated 11/8/2004 and Ethics Commission dated 9/24/2004.)

**ETHICS COMMISSION'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2005-51)

Introduction of an Ordinance exempting the position of General Counsel for the Ethics Commission from the classified service.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

- \* ITEM-55: Communications Use Lease with the United States Department of Agriculture Forest Service, for the Lyons Peak Communications Site.

(San Diego County/Federal Land.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2005-53)

Introduction of an Ordinance authorizing the City Manager to execute a Communications Use Lease with the United States Department of Agriculture, Forest Service, for the lease of a portion of Lyons Peak located in the Cleveland National Forest for a term of ten years, for no fee, under the terms and conditions set forth in the Communications Use Lease.

**CITY MANAGER'S SUPPORTING INFORMATION:**

The City of San Diego has been leasing federal land from the Department of Agriculture, Forest Services, on Lyon's Peak since the 1950s for the City's use as a base station facility for mobile communications for the City of San Diego Police, Fire, and Water Departments. The City's IT&C Department has issued an RFP to replace some of the outdated equipment, with the costs already approved under the IT&C Department's budget. The site will continue to be utilized as a communications site, under the following terms:

Term: For ten years commencing December 1, 2004, and terminating one minute after midnight on December 31, 2014.

Right to Extend: This lease is not renewable, but the City has the right to request a new lease by giving (1) one year's written notice to the Forest Service's Authorized Officer.

Rent: Fees for this lease have been exempted/waived in full pursuant to the Federal Register 36 CFR 251.57, or revisions thereto, and direction in the Forest Service Handbook 2709.11, Chapter 30.

Use: IT&C will continue to use the site as a communications facility for City of San Diego Police, Fire, and Water Departments.

**FISCAL IMPACT:**

There is no fiscal impact to the City.

Herring/Griffith/DMB

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-100: Inviting Bids for the Replacement of Tree Root Damaged Sidewalk, Curb and Gutter Citywide FY 05 – Group C-29.

(Citywide.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-425)

Approving the plans and specifications for the “Replacement of Tree Root Damaged Sidewalk, Curb and Gutter Citywide FY 05 – Group C-29” (Project), on Work Order No. 576510;

Authorizing the City Manager after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$865,500, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the appropriation and expenditure of an amount not to exceed \$865,500 from Street Division Operating Fund 10440, solely and exclusively for the purpose of funding this contract and related expenses, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves (BID-K052614C).

**CITY MANAGER SUPPORTING INFORMATION:**

This action will provide for the replacement of damaged concrete hardscape surfaces in all Council Districts, which have been damaged by parkway trees. The Street Division maintains over 5,000 miles of sidewalks. Specific sidewalk and curb/gutter locations for this project were selected from the Street Division's concrete repair backlog for tree root damaged sites. Locations which need repair are reported by City personnel, and/or residents.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-100: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Street Division uses the following factors to identify and prioritize repair locations for both contractual services and City force work: the severity of the damage, the age of the request, other repair projects occurring at the same location, and utility conflicts. While the severity of the damage and the age of the request are the highest priorities, if best management practices dictate grouping jobs in the same geographic area, that course of action will be considered regardless of the age of the request. Damage rating factors from 1 to 4, with "1" being extensive damage to the right-of-way, "2" moderate, "3" routine, and "4" minimal damage, are also applied and considered in the prioritization.

It is projected that 388 locations will be completed by this contract. Locations to be repaired include sidewalks, curbs/gutters, and curb ramps throughout the city. A list of locations will be provided to the Mayor and Council Members, which may be revised prior to construction in order to coordinate with any construction conflicts that may arise.

In addition to the construction contract of 777,000, the following costs will be paid for by the Street Division Operating fund: \$43,750 for Design and Project Management, and \$44,750 for Inspection, for a total of \$865,500.

**FISCAL IMPACT:**

Funds for this \$865,500 project are available in Street Division Operating Fund 10440.

Mendes/Gardner/MMW

Aud. Cert. 2500324.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-101: Inviting Bids for the Construction of “Replacement of Damaged Sidewalk, Curb and Gutter CityWide FY 05 – Group C-27” (Project).

(Citywide.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-424 Cor. Copy)

Approving the plans and specifications for the construction of “Replacement of Damaged Sidewalk, Curb and Gutter Citywide FY 05 – Group C-27” (Project), on Work Order No. 576510;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$600,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$417,500 from Street Division Operating, Fund 10440 to Fund 104402, Street Division Capital Improvement, CIP-59-002.0, Sidewalks - Replacement and Reconstruction;

Amending the Fiscal Year 2005 Capital Improvements Program Budget for CIP-59-002.0 Sidewalks- Replacement and Reconstruction, Fund 104402, Street Division Capital Improvement Fund, by increasing the appropriation amount by \$417,500;

Authorizing the appropriation and expenditure of an amount not to exceed \$667,500 from CIP-59-002.0 Sidewalks-Replacement and Reconstruction as follows: \$250,000 from TransNet, Fund 30300; \$417,500 from Street Division Capital Improvement, Fund 104402, solely and exclusively, for the purpose of funding this contract and related expenses, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

**\* ITEM-101: (Continued)**

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K052613C)

**CITY MANAGER SUPPORTING INFORMATION:**

This action will provide for the replacement of damaged concrete hardscape surfaces in all Council Districts. The Street Division maintains over 5,000 miles of sidewalks. Specific sidewalk and curb/gutter locations for this project were selected from the Street Division's general concrete repair backlog for non-tree root damaged sites. Locations which need repair are reported by City personnel, and/or residents. Street Division uses the following factors to identify and prioritize repair locations for both contractual services and City force work: the severity damage, the age of the request, other repair projects occurring at the same location, and utility conflicts. While severity of the damage and the age of the request are the highest priorities, if best management practices dictate grouping jobs in the same geographic area, that course of action will be considered regardless of the age of the request. Damage rating factors from 1 to 4, with "1" being extensive damage to the right-of-way, "2" moderate, "3" routine, and "4" minimal damage, are also applied and considered in the prioritization.

It is projected that 300 locations will be completed by this contract. Locations to be repaired include sidewalks curbs/gutters, cross gutters, bus pads and curb ramps throughout the city. A list of locations will be provided to the Mayor and Council Members, which may be revised prior to construction in order to coordinate with any construction conflicts that may arise.

In addition to the construction contract of \$600,000, the following costs will be paid for by the Street Division Operating Fund: \$32,750 for Design and Project Management, and \$34,750 for Inspection, for a total of \$667,500.

**FISCAL IMPACT:**

\$667,500 will be spent from CIP-59-002.0, Sidewalks - Replacement and Reconstruction with the funding sources as follows: \$250,000 from TransNet Fund 30300, and \$417,500 from Street Division Capital Improvement Fund 104402. \$600,000 will be spent from this CIP for the Construction Contract and \$67,500 for City Forces work associated with this contract.

Mendes/Gardner/MMW

Aud. Cert. 2500325.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-102: Inviting Bids for the Construction of “Asphalt Overlay of Various Streets Citywide FY 05 – Group R-7” (Project).

(CityWide.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-448)

Approving the plans and specifications for the construction of “Asphalt Overlay of Various Streets Citywide FY 05 – Group R-7” (Project), on Work Order No. 576510;

Authorizing the City Manger, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$1,668,582, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Authorizing the City Auditor and Comptroller, to transfer an amount not to exceed \$372,895 from Fund 10440 to Fund 104402 for the purpose of funding CIP-59-001.0;

Amending the Fiscal Year 2005 Capital Improvements Program Budget for CIP-59-001.0, Fund 104402, Annual Allocation - Resurfacing City Streets, by increasing the budget amount by \$372,895;

Authorizing the appropriation and expenditure of an amount not to exceed \$1,811,477 consisting of \$372,895 from CIP-59-001.0, Fund 104402; \$1,000,000 from CIP-59-001.0, Fund 30300; \$412,150 from CIP-37-028.0, Fund 30101; \$20,160 from Fund 41506; and \$6,272 from Fund 41500, solely and exclusively, for the purpose of funding this contract and related expenses, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K052615C)

**ADOPTION AGENDA, CONSENT ITEMS (Continued)****RESOLUTIONS: (Continued)**

\* ITEM-102: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:**

This asphalt overlay contract is part of the City's annual street maintenance program. It provides for the repair and resurfacing of approximately 6 miles of asphalt streets citywide. Locations for resurfacing are chosen through the city's pavement management system, using the following criteria: age, oxidation, cracking, amount of patching, amount of traffic, and avoiding conflict with planned underground utility work. Failed areas of the pavement will be removed and repaired prior to resurfacing. The contract continues to require that asphalt adjacent to curbs and gutters is ground down prior to resurfacing to maintain current curb height and proper drainage. In cooperation with the Engineering and Capital Projects Department, this contract will also provide approximately 2 miles of overlay for five underground utility conversion projects citywide. Approximately 2,900 tons of asphalt will be removed and recycled for use in later street maintenance activities. This contract also includes the installation of curb ramps, which will be placed at affected locations in accordance with ADA requirements.

Based on the above criteria, a preliminary list of locations to be overlaid has been identified. However, in an effort to coordinate with underground utility work the list of locations for this project will not be finalized until just prior to the start of the contract. The Mayor and Council will be provided with a final list of streets as soon as it is available. Construction for this project is expected to begin in February 2005, and take approximately 4 months to complete. In addition to the construction contract of \$1,668,582, the following costs will be funded by the Street Division Operating Fund: \$25,287 for Design; \$24,727 for Project Management; \$25,287 for Contract Inspection; \$34,650 for Materials Testing & Surveying; and \$32,944 for City Forces, for a total project cost of \$1,811,477.

**FISCAL IMPACT:**

\$1,811,477 in funds for this project are available as follows: \$372,895 from Street Division Resurfacing Fund 104402, \$1,000,000 from CIP-59-001.0 Annual Allocation to be funded by TransNet Fund 30300, \$20,160 from Sewer Revenue Fund 41506, \$6,272 from Water Department Fund 41500, and \$412,150 from Underground Surcharge Fund 30101, CIP-37-028.0.

Mendes/Gardner/MMW

Aud. Cert. 2500365.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-103: Contract Extension Option with American Asphalt South, Inc. for Slurry Sealing of Various Streets City Wide Fiscal Year 2005 – Group S-9.

(Citywide.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-426)

Authorizing the City Manager to award the “Slurry Sealing of Various Streets City Wide Fiscal Year 2005 – Group S-9” Project contract extension option with American Asphalt, Inc., an amount not to exceed \$1,289,864, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer on Work Order No. 576510;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,360,164 for Slurry Sealing of Various Streets City Wide FY 05 – Group S-9 as follows: \$589,864 from CIP-37-028.0, Underground Surcharge Fund 30100; and \$770,300 from Street Division Operating Fund 10440, for the purpose of funding this contract and related costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K041662C)

**CITY MANAGER SUPPORTING INFORMATION:**

On May 24, 2004, the City Council authorized the award of the "Group S-8" slurry seal contract, Bid # K-041662-C, Resolution # R-299253. The contract documents offered bidders the option of renewing and extending this contract at the same unit prices, terms and conditions, for one year only. The lowest responsive bidder, American Asphalt South, Inc. has indicated that they are willing to exercise this option. The Street Division has had favorable results with the current contract and now wishes to exercise this optional contract extension with no increase in prices.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

This slurry sealing contract is part of the City's annual street maintenance program. The Street Division has allocated \$700,000 for the purposes of repairing and slurry sealing approximately 24 miles of streets. In cooperation with the Engineering and Capital Projects Department, this contract will also provide approximately 10 miles of slurry seal for 15 Underground Utility Districts and install curb ramps per ADA requirements.

Slurry Sealing is applied on streets which are in good condition to protect them from deterioration. The Street Division uses Rubberized Emulsion Aggregate Slurry (REAS), which lasts longer, resists damage from water better, and stays black in color longer. Slurry Sealing used in a timely manner is very effective in reducing the need for more expensive pavement repairs. Locations for slurry sealing are chosen through the use of annual surveys and the pavement management system using the following criteria: age, oxidation, cracking, amount of patching, traffic flow, and avoiding conflicts with planned underground utility work. The Mayor and Council will be provided with a tentative list during the Council briefings and will be notified of any subsequent changes as soon as they are available. Construction for this project is expected to begin in March of 2005, and will take approximately four months to complete. In addition to the construction contract of \$1,289,864, the following costs will be paid for by the Street Division Operating fund: \$9,300 for Design, \$6,695 for Project Management, \$3,785 for Inspection, and \$50,520 for additional work by City Forces, for a total project cost of \$1,360,164.

**FISCAL IMPACT:**

\$1,360,164 in funds for this project are available as follows: \$589,864 from Undergrounding Surcharge Fund 30100, CIP-37-028.0, and \$770,300 from Street Division Operating Fund 10440.

Mendes/Gardner/MMW

Aud. Cert. 2500362.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: Reprogramming of District Eight Community Development Block Grant Funds.

(Various Community Areas. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-473)

Authorizing the City Manager to transfer an amount not to exceed \$87,704 from prior year CDBG funds, from projects that have unobligated balances to the current program year, for the purpose of funding additional eligible projects to Council District 8 FY 2005 Reserve Account (Fund 18540, Dept. 4316, Org. 1608) as follows:

- \$470 from Fund 18534, Dept. 4170, Org. 7004, JO 000001 (Golden Hill CDC)
- \$9,000 from Fund 18534, Dept. 4161, Org. 6116, JO 006116 (Otay Mesa Chamber of Commerce Entryway)
- \$798 from Fund 18535, Dept. 4182, Org. 8212, JO 112895 (Center for Social Services)
- \$2,436 from Fund 18536, Dept. 4222, Org. 2201, JO 098900 (Barrio Logan Parking Program)
- \$75,000 from Fund 18536, Dept. 4212, Org. 1220, JO 000001 & JO 012202 (San Ysidro Improvement Corp.)

**CITY MANAGER SUPPORTING INFORMATION:**

Council District Eight wishes to reprogram prior year CDBG funds from projects that have unobligated balances to the current program year for the purpose of funding additional eligible projects. The funds are reprogrammed from the following projects:

Golden Hill CDC (Fund 18534, Dept. 4170, Org. 7004, JO 000001) - \$470

Otay Mesa Chamber of Commerce Entryway (Fund 18534, Dept. 4161, Org. 6116, JO 006116) - \$9,000

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Center for Social Services (Fund 18535, Dept. 4182, Org. 8212, JO 112895) - \$798

Barrio Logan Parking Program (Fund 18536, Dept. 4222, Org. 2201, JO 098900) - \$2,436

San Ysidro Improvement Corp. (Fund 18536, Dept. 4212, Org. 1220, JO 000001 & JO 012202) - \$75,000

**FISCAL IMPACT:**

Funds for this action are available in the Community Development Block Grant (CDBG) program.

Herring/Cunningham/ACP

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-105: Amendment to the Undergrounding of Utilities – 2003 Calendar Year Annual Allocation.

(University City Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-441)

Calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Underground Utility Districts financed through the City of San Diego Undergrounding Surcharge Fund.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed action to amend the 2003 annual allocation is made at the request of Council District 1 and is in accordance with Council Policy 600-08. The formation of North Torrey Pines Road from Genesee Avenue to John Jay Hopkins Drive and Genesee Avenue from North Torrey Pines Road to 290 South of Campus Point Drive Underground Utility District will prohibit overhead utilities in accordance with San Diego Municipal Code Chapter 6, Article 1, Division 5; *Underground Utilities Procedural Ordinance*. In connection with the foregoing, SDG&E intends to install a new underground 69kV transmission lined from North Torrey Pines Road from Genesee Avenue to John Jay Hopkins Drive and Genesee Avenue from North Torrey Pines Road to 290 South of Campus Point Drive at a cost of \$6 million.

There have been five outages to the nearby Torrey Pines substation over the past twelve years due to overlapping transmission outages. The installation of this new 69kV transmission line will improve reliability and will avoid any future outages. The new 69kV transmission line will eliminate load shedding associated with the loss of the two existing lines on the same corridor feeding the Torrey Pines substation. A small portion will go overhead temporarily spanning Interstate 5, which is included as part of this project and is expected to be in-service by June 2005. This section will be relocated underground and through the new expanded Genesee bridge which has an anticipated completion date in 2008. San Diego Gas and Electric has worked closely with the City's engineering staff to avoid future conflicts along the route with City of San Diego CIP projects.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-105: (Continued)

**FISCAL IMPACT:**

The amount of \$741,000 was previously authorized for the project known as Sorrento Valley Road from Carmel Valley Road to Oleander Street as part of the FY03 Annual Allocation, Resolution R-298586. This action would replace the Sorrento Valley Road Project with a project known as the North Torrey Pines from Genesee Avenue to John Jay Hopkins Drive and Genesee Avenue from North Torrey Pines Road to 290 South of Campus Point Drive. The construction cost of \$6,000,000, plus any cost overruns, will be paid by SDG&E less the \$741,000 contribution by the City.

Mendes/Boekamp/AO

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-106: North San Diego Recycling Market Development Zone (RMDZ) Redesignation.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-427)

Authorizing the City Manager to submit to the California Integrated Waste Management Board a Recycling Market Development Zone joint renewal application to include the cities of Carlsbad, Del Mar, Escondido, Oceanside, Poway, City of San Diego, San Marcos, Solana Beach, Vista, and the County of San Diego, for the purpose of renewing the existing North San Diego Recycling Market Development Zone;

Directing the City Manager to administer the RMDZ program, on behalf of the City, in a manner that seeks to ensure the fair treatment of people of all races, cultures, and incomes including, but not limited to, soliciting public participation in all communities within the RMDZ.

Subitem-B: (R-2005-428)

Certifying that Negative Declaration No. 48148, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Sections 21000 et seq.) as amended, and the State guidelines thereto (Title 14 California Code of Regulations Sections 15000 et seq.); that the Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency; and that the information contained in the Negative Declaration, together with any comments received during the public review process, have been reviewed and considered by the Council in connection with the City's application for redesignation of the North San Diego County Recycling Market Development Zone;

Declaring that the Council finds, based on the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and, therefore approving Negative Declaration No. 48148;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

RESOLUTIONS: (Continued)

\* ITEM-106: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:**

The California Integrated Waste Management Board (CIWMB) established Recycling Market Development Zones (RMDZ) in 40 regions of the State of California. These RMDZs promote recycling by providing recycled product manufacturers access to a State low-interest loan program, assistance in permitting, feedstock identification, favorable zoning codes, and referrals to local agencies and business assistance groups, if they site within an RMDZ. The City Council has designated two areas in San Diego as RMDZs: South San Diego (Otay Mesa) in 1992 and North County (Miramar and Rancho Bernardo) in 1994. The RMDZs were designated for 10 years and the North San Diego RMDZ designation is set to expire on November 16, 2004. The South San Diego RMDZ designation was extended another ten years by the CIWMB in March 2003.

The North San Diego RMDZ consists of The City of Carlsbad, The City of Del Mar, The City of Escondido, The City of Oceanside, The City of Poway, part of The City of San Diego, The City of San Marcos, The City of Solana Beach, The City of Vista, and part of the unincorporated County of San Diego. No significant project changes have taken place since the original zone designation was completed. The City of San Diego is acting as the lead agency for the current redesignation process, and Negative Declaration No. 48148 was prepared to satisfy the CIWMB regarding CEQA compliance for the project.

The current redesignation will allow the North San Diego RMDZ to retain its designation beyond the November 16, 2004 expiration date, and continued access by local businesses to the resources described above. The outreach and assistance provided through the RMDZ program are components of the City's good faith efforts to meet State mandated solid waste diversion goals. Materials diverted through these efforts provide a supply of feedstock for recycled product manufacturers, and the continued development of local infrastructure enhances the City's waste diversion and economic development efforts.

**FISCAL IMPACT:**

There is no anticipated fiscal impact resulting from this action.

Mendes/Heap/CJH

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-107: Agreement with the San Diego Abandoned Vehicle Abatement Service Authority to Administer the Abandoned Vehicle Abatement Program.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-435)

Authorizing the City Manager to execute a contract with the San Diego Abandoned Vehicle Abatement Service Authority, to administer the Abandoned Vehicle Abatement Program for a period of up to five years.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego has provided administrative support for the State's Abandoned Vehicle Abatement Program since 1998. By law, this program must be administered by a government agency within the county in which the vehicle license fees that support the program are collected.

The program is overseen by the San Diego Abandoned Vehicle Abatement Service Authority, which is composed of seven elected officials from within the County of San Diego. Currently, two members of the San Diego City Council serve on the Service Authority.

As a major beneficiary of the revenues distributed by the Service Authority, the City of San Diego, through its City Manager and Chief of Police, determined that the City should continue the duties of administrative support for the program. A proposal was made to the Service Authority and on July 8, 2004, the Service Authority voted to accept that proposal. Under the proposal, the Police Department will continue the administrative duties for the Abandoned Vehicle Abatement Program county-wide. The cost of administering the Program will be paid from funding received from the State of California. Auditor/Treasurer costs will also be paid from the revenue collected.

**FISCAL IMPACT:**

The City will continue to receive revenues of approximately \$1,000,000 annually via the State of California's Abandoned Vehicle Abatement Program to pay the salaries of code enforcement officers and police officers working to abate vehicles, as well as administrative costs associated with the program. Adoption of this agreement will not negatively impact the City's budget.

Ewell/Lansdowne/JCL



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-108: Agreement with U.S. Healthworks Medical Group, Prof. Corp., for Pre-Employment and Department of Motor Vehicles Medical Examinations and Drug Testing.

(See Personnel Director Report.)

**PERSONNEL DIRECTOR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-353)

Authorizing the Personnel Director to execute an Agreement with U.S. Healthworks Medical Group, Prof. Corp., to provide pre-employment and Department of Motor Vehicles medical examinations, drug testing, and related medical services as may be required for Fiscal Year (FY) 2005, with the option to renew for three additional one-year periods, under the terms and conditions set forth in the Agreement;

Declaring that the estimated expenditure for FY 2005 is \$346,640, with the funds having been budgeted for this purpose.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-109: Grant Application to U.S. Attorney Project Safe Neighborhoods for City of San Diego Police Department Gun Violence Reduction Project.

(Southeastern San Diego Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-447)

Authorizing the Chief of Police to enter into a Memorandum of Agreement with the San Diego County District Attorney to accept and expend these grant funds for the Gun Violence Reduction Project, the purpose of which is to employ multi-agency strategies targeting drug, gang and weapon-involved criminals;

Authorizing the Chief of Police to apply for, accept, manage and expend this grant, including any amendments, extensions, or renewals; to execute all aspects of program operation, including any amendments, extensions, or renewals; and to certify that the City will comply with all applicable statutory or regulatory requirements;

Authorizing that this be valid for a period of up to five years, provided funding for this purpose is made available by the federal government;

Declaring that any resources received hereunder shall not be used to supplant expenditures controlled by this body.

**CITY MANAGER SUPPORTING INFORMATION:**

The San Diego Police Department has been selected to receive approximately \$80,765 from a U.S. Attorney grant that is administered locally by the San Diego District Attorney.

The grant is called Project Safe Neighborhoods. SDPD's component is named Gun Violence Reduction Project. The goal is to target violent offenders with a history of drug, gang and weapon involvement, primarily in the Southeastern San Diego area. Many of the operations are multi-jurisdictional.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-109: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Gun Violence Reduction staff hope to emulate the Operation Triggerlock in San Francisco, which facilitates federal prosecution of the target offenders, which results in longer sentences. The multi-agency nature of Project Safe Neighborhoods will assist in this plan.

Funds will be used primarily for officer overtime (\$60,000). The remainder will be used for project equipment, supplies, and travel/training.

**FISCAL IMPACT:**

There is no requirement for matching funds, and no requirement to continue grant funded activities or expenditures after grant funds are depleted or terminated. This grant will not result in additional responsibility for SDPD Officers; it will provide additional support in the form of overtime, supplies, equipment, training, and multi-agency collaboration. Federal law requires that these funds supplement and not supplant funds otherwise available to law enforcement.

Ewell/Lansdowne/DJW

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-110: Two actions related to Otay River Watershed Management Plan (ORWMP).

(Otay Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-205)

Authorizing the City Manager to execute the First Amendment to the Joint Exercise of Powers Agreement Among the County of San Diego and other agencies, for the Development of a Watershed Management Plan for the Otay River (First Amendment), under the terms and conditions set forth in the First Amendment, together with any modifications or amendments which do not increase the cost to the City and which the City Manager shall deem reasonably necessary from time to time in order to carry out the purposes and intent of the agreement;

Authorizing the City Auditor and Comptroller to transfer and expend an amount not to exceed \$75,000 in Fiscal Year 2005 from Water Revenue Fund 41500, for the purpose of providing funds for the First Amendment;

Authorizing the City Auditor and Comptroller, upon advice for the administering department, to transfer excess funds, if any, to the appropriate reserves.

Subitem-B: (R-2005-206)

Declaring that a Councilmember is appointed to represent the City of San Diego on the Policy Committee established under the Joint Exercise of Powers Agreement Among the County of San Diego, the Cities of San Diego, Chula Vista and Imperial Beach, and the San Diego Unified Port District for the development of a Watershed Management Plan for the Otay River, for a term not to exceed the Councilmember's current term in office.

**CITY MANAGER SUPPORTING INFORMATION:**

The County of San Diego, Port of San Diego, and the Cities of Chula Vista and Imperial Beach have entered into a Joint Exercise of Powers Agreement (JEPA) dated March 24, 2004, under the provisions of Government Code Title 1 Section 6500 et seq. to develop a watershed plan for the Otay River Watershed (ORWMP or the Plan).

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-110: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The Plan will address, among other things, the protection of the beneficial uses of water resources, water quality standards, aquatic and upland resources, flood protection and public recreation. The Plan will allow the public agencies to clearly identify areas and practices that need to be targeted for pollution prevention and corrective actions. A portion of the Southern part of the City of San Diego lies within the Otay Watershed (District 8). The City of San Diego has water resources located in the watershed including the Upper and Lower Otay Reservoirs. The Lower Otay Reservoir serves the southern part of the City of San Diego and other water agencies in the South Bay. The City of San Diego should participate in the planning effort in order to protect its water resources.

The City's share for development of the Plan is \$75,000 and includes contingencies should additional funding be necessary to develop the Plan. The City's share is based on a formula agreed to by all parties to the agreement and includes consideration for population, land in the watershed under each agency's jurisdiction, plus a percentage of fixed costs for the Plan's development.

The JEPA provides for a policy committee made up of legislative members, a stake holder's committee appointed by the Legislative members and a project team of agency officials.

The City Manager's recommendation is to approve of the City's participation in the ORWMP (the Plan) effort by authorizing the City Manager to execute the First Amendment to the JEPA and the appointment of a Councilmember to represent the City on the JEPA.

**FISCAL IMPACT:**

\$75,000.

Mendes/Belock/BC

Aud. Cert. 2500170.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-111: Grant Application to State of California Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 (Bond) for Cabrillo Heights Neighborhood Park Comfort Station.

(Serra Mesa Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-443)

Authorizing the City Manager to apply to the State of California (SOC), for \$80,000 in Per Capita funds under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for construction of the Cabrillo Heights Neighborhood Park Comfort Station (Project);

Authorizing the City Manager to take all necessary actions to secure the Grant and to negotiate and execute all agreements necessary to comply with the SOC for the construction of the Project;

Authorizing the City Auditor and Comptroller to accept the Grant if it is secured;

Authorizing the City Auditor and Comptroller to established a special interest-bearing fund for the Grant;

Authorizing, upon receipt of a fully executed grant agreement, an increase of \$80,000 to the Fiscal Year 2005 Capital Improvement Program Budget, CIP-29-589.0, Cabrillo Heights Neighborhood Park-Comfort Station, in Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 Resources Bond;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$80,000 from CIP-29-589.0, Cabrillo Heights Neighborhood Park-Comfort Station, for construction of the Cabrillo Heights Neighborhood Park Comfort Station, upon receipt of a fully executed grant agreement.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-111: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:**

The Cabrillo Heights Neighborhood Park Comfort Station project site is located on 8308 Hurlbut Street. This project provides for the construction of a new comfort station to meet current codes and accessibility requirements per the Americans with Disabilities Act. This request will transfer funds into the project to supplement financing previously authorized to construct the project and to cover additional project costs.

In March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 (bond)". Based upon State Department of Finance population figures as of January 1, 2002, the City of San Diego will receive a total of \$11,063,430 on a Per Capita basis from the bond. On December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the Per Capita/RZH Per Capita funds to each council district, with a portion of the funding set aside for projects with citywide and regional impact.

This action authorizes the City Manager to apply for \$80,000 in grant funds, appropriated by the State of California as a portion of the City of San Diego's population-based allocation from the 2002 Resources Per Capita Bond. The funds will be used for construction of Cabrillo Heights Neighborhood Park Comfort Station.

**FISCAL IMPACT:**

The estimated cost for the project is \$360,000. Funds currently available in CIP-29-589.0, Cabrillo Heights Neighborhood Park Comfort Station are \$200,000 Community Development Block Grant, and \$80,000 Proposition 40. The City will receive \$80,000 for capital improvements to Cabrillo Heights Neighborhood Park Comfort Station, CIP-29-589.0.

Herring/Oppenheim/AP

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-112: Montgomery Field Heliport Relocation Project.

(Kearny Mesa Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-366)

Ratifying the City Manager's application and acceptance of a Federal Aviation Administration Grant offer in the amount of \$350,166;

Authorizing the City Manager, or his designee, to apply for, accept (if granted), and expend a State matching grant in the amount of \$17,508 which is 5% of the Federal Grant;

Authorizing the transfer of \$100,000 from the San Diego Fire-Rescue Department's operating budget into CIP-31-313.0 (Montgomery Field Heliport Relocation), Fund 630221, contributions from 100 Fund;

Authorizing the City Manager, or his designee, to enter into an agreement with P & D Consultants for the Design of Capital Improvement Projects at Montgomery Field Airport in an amount not to exceed \$395,000;

Authorizing the City Manager, or his designee, to expend \$467,674 (\$350,166 + \$17,508 + \$100,000) from CIP-31-313.0 Montgomery Field Heliport Relocation.

**CITY MANAGER SUPPORTING INFORMATION:**

The purpose of this action is to implement of CIP-31-313.0, Montgomery Field Airport Heliport Relocation Project, in accordance with the City of San Diego 2005 Annual Budget appropriations. Relocation of the existing City designated helipad from its current location to the northwest corner of the airport will be designed in accordance with current Federal and State standards for heliports, increasing safety and operational efficiency. The SDFD supports this action, as they are the current tenant on the existing substandard helipad, operating out of temporary trailers. The City Fire-Rescue helicopter operations will be immediately relocated to the new site with permanent facilities.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-112: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

During the recent City Council Legislative Recess, the Federal Aviation Administration (FAA) made a Grant Offer to the City in the amount of \$350,166, which had to be accepted no later than August 30, 2004, or the offer would have been voided. The City Manager requests that the Mayor and Council ratify the application and acceptance of the FAA Grant in the amount of \$350,166. The California Department of Transportation is authorized to follow with a State Grant Offer in the amount of \$17,508, which is 5% of the Federal grant. SDFD participation is \$100,000.

Separate but related airfield improvements include the conversion of taxiway "I", the construction of a blastpad at runway 28L, and the rehabilitation of seven run-up aprons. P & D Consultants have been selected to design all of the projects under one Scope of Work. The Manager requests that the Mayor and Council authorize the City Agreement with P & D Consultants to prepare the design and manage this CIP in the amount of \$365,000, plus up to \$30,000 for additional services if needed, for a total amount not to exceed \$395,000. Because of their participation, and time is of the essence to SDFD to relocate the Fire-Rescue Helicopter to permanent facilities, the heliport design will take priority.

**FISCAL IMPACT:**

If the grants are accepted, total project design costs is estimated at \$467,674 which will be paid for by grants from the FAA (\$350,166) and State of California (\$17,508) and (\$100,000) from SDFD. None if the grants are not accepted.

Herring/Griffith/Means

Aud. Cert. 2500363.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-113: Carmel Valley Building Restricted Easement Vacation.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-457)

Vacating a portion of the building restricted easement located within Parcel 1 of Parcel Map 19184, and shown on Drawing No. 20189-1-B, to unencumber this property and facilitate development of the site under the procedure for the summary vacation of public service easements, San Diego Municipal Code Section 125.1001 et seq.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a Building Restricted Easement. The property is located in the Carmel Valley Planning area within Council District 1. The easement is on private property and was originally required for the construction of a noise wall.

The noise wall has been constructed as required by the Addendum to an Environmental Impact Report (EIR) LDR No. 98-2000 for the Carmel Valley Neighborhood 8C, Project No. 96-7499. The vacation will remove an unutilized portion of the easement not required for use of the noise wall from within an existing residential parcel.

On March 9, 2004, the Carmel Valley Community Planning Board voted 11:0:1 recommending approval of the project.

A Planning Commission Recommendation is not required for this action. The easement vacation qualifies as a summary vacation. The easement may be summarily vacated as it does not contain public facilities that would be affected by the vacation and the portion of the easement to be vacated is excess and is not required for present or future use.

Staff recommends City Council approve Building Restricted Easement Vacation No. 66270.

**FISCAL IMPACT:**

No costs to the City, all costs are recovered by a deposit account funded by the applicant.

Ewell/Halbert/DNJ

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-114: Hands Off Halloween Week.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-446)

Commending the San Diego Youth Council for their outstanding effort to keep our youth safe and protected;

Declaring October 25–31, 2004, to be “Hands Off Halloween Week,” to remind advertisers of the dangers of promoting alcohol in conjunction with the holiday.

\* ITEM-115: Traffic Safety Awareness Day.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-432)

Proclaiming October 17, 2004, to be “Traffic Safety Awareness Day” in the City of San Diego, to honor all traffic victims by committing to safer driving.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-116: Challenged Athletes Foundation Day.

**COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2005-467)

Proclaiming the day of October 31, 2004, to be "Challenged Athletes Foundation Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-117: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-1251)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- \* ITEM-118: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-274)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-119: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-276)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

- \* ITEM-120: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-187)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

**ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS**

**COMMITTEE ON NATURAL RESOURCES, AND CULTURE,  
RESOLUTION:**

ITEM-150: Thirteenth Amendment to the Agreement with the International Boundary and Water Commission (IBWC) for the Use of the Tijuana Emergency Connection.

(See memorandum from Scott Tulloch dated 9/15/2004. San Ysidro and Tijuana River Valley Community Areas. District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-423)

Authorizing the City Manager to execute a Thirteenth Amendment to the Agreement with the International Boundary and Water Commission (IBWC), for the Tijuana Emergency Connection, under the terms and conditions set forth in the Amendment, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 9/22/2004, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. District 4-vacant.)

**SUPPORTING INFORMATION:**

In 1990, the City agreed to treat up to 13 million gallons per day (mgd) of Tijuana sewage in the City's Metropolitan Wastewater System (Metro) as an interim solution to the border sanitation problem, until the International Treatment Facilities were constructed. The City entered into an agreement with the International Boundary and Water Commission (IBWC) on July 22, 1991, to treat Tijuana sewage. The existing agreement expires on September 30, 2004. This Thirteenth Amendment will extend the agreement until September 30, 2005.

Phase I of the International Wastewater Treatment Plant, which came on line in May 1997, and the South Bay Ocean Outfall, which was completed in December 1998, can process and dispose of up to 25 mgd of Tijuana sewage.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,  
RESOLUTIONS: (Continued)

ITEM-150: (Continued)

**SUPPORTING INFORMATION:** (Continued)

Upgrades to the Tijuana sewage system were completed in late 2000, which included the construction of a new pump station and parallel force main. As a result of these Tijuana system improvements, the emergency connection has not been utilized since September 2000. However, it is recommended that this agreement be extended for another year to provide a safeguard, should an emergency arise in which it is necessary to divert Tijuana sewage to the Metro System.

**FISCAL IMPACT:**

In federal fiscal year 2005, the IBWC will be charged a rate of \$589.11 per million gallons of flow, plus \$156.76 per thousand pounds of Total Suspended Solids and \$65.50 per thousand pounds of Chemical Oxygen Demand for treatment of Tijuana sewage.

Mendes/Tulloch/CW



**ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS**

**COMMITTEE ON LAND USE AND HOUSING,  
RESOLUTIONS:**

ITEM-151: Two actions related to Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005.

(Continued from the meeting of October 11, 2004, Item S404, at Councilmember Peters' request, for further review.)

(See City Manager Report CMR-04-212; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2005 Draft. Carmel Valley Community Area. District-1.)

**NOTE:** Hearing open. No public testimony taken on 10/11/2004.

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2005-389)

Approving the document entitled "Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005."

Subitem-B: (R-2005-390)

Resolution of Intention to designate two areas of benefit in Carmel Valley and setting the time and place for holding a public hearing thereon.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 9/29/2004, LU&H voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Zucchet, Frye, and Inzunza voted yea. District 4-vacant.)

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**ORDINANCES TO BE INTRODUCED:**

ITEM-200: Amendments to the Election Campaign Control Ordinance for the District 4 Special Election.

(See memorandum from Dorothy Smith dated 10/25/2004.)

**ETHICS COMMISSION'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2005-56)

Introduction of an Ordinance amending Ordinance O-19317, which repeals and re-enacts the City of San Diego Election Campaign Control Ordinance, to change its effective date from January 1, 2005, to January 5, 2005.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)**

**ORDINANCES TO BE INTRODUCED: (Continued)**

ITEM-201: Amending Permanent Rules of the Council by Amending San Diego Municipal Code Section 22.0101, Rule 6 and Rule 30, Relating to the Consent Agenda and Supplemental Items.

**CITY ATTORNEY'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2005-50)

Introduction of an Ordinance amending the Permanent Rules of the Council by amending San Diego Municipal Code Section 22.0101, Rule 6, relating to the Adoption Agenda, and Rule 30, relating to Supplemental Items.

**SUPPORTING INFORMATION:**

On September 27, 2004, the City Council introduced an ordinance implementing the recommendations set forth in the Report on Investigation prepared by the law firm Vinson & Elkins. As part of the motion, the City Council directed that the City Attorney return to the City Council with appropriate amendments to the Municipal Code prohibiting any matter relating to required financial disclosure under federal or state securities laws from being considered a "consent" item on a City Council agenda, or from being placed on the docket as a "supplemental" item. Currently, Rule 6 of the Permanent Rules of the Council require the City Clerk to identify as consent items those ordinances or resolutions "for which the law does not require a noticed hearing, and which have been recommended by the Rules Committee or other standing committee referring the items to docket to be disposed of by a single motion as a timesaving device as being sufficiently routine or non-controversial or as having had sufficient prior public discussion." Rule 30 provides that matters may be placed on the docket as "supplemental" items on short notice under certain circumstances. The proposed amendments to Rule 6 and Rule 30 would prohibit those matters relating to required financial disclosure, as well as other agreements concerning or relating to the issuance of securities by or on behalf of the City or any City related entity, from being identified as a consent item on a City Council agenda, or from being placed on a docket as a supplemental item.

Gwinn/Girard

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**RESOLUTIONS:**

ITEM-202: Grant Application to State of California Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 for Winter Pools Program (Project).

(University, Tierrasanta, Linda Vista, Navajo, Mid City, and Southeastern San Diego Community Areas. Districts-1, 3, 4, 6, and 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-487)

Authorizing the City Manager to apply to the State of California (SOC), for \$895,000 in Per Capita Block Grant under the California Clean Air, Safe Parks, and Coastal Protection Act of 2002, Roberti-Z'berg-Harris for Winter Pools Program (Project);

Authorizing the City Manager to take all necessary actions to secure the Grant and to negotiate and execute all agreements necessary to comply with the SOC for the construction of the Project;

Authorizing the City Manager to accept, appropriate and expend the Grant if it is secured;

Authorizing the City Auditor and Comptroller to established a special interest-bearing fund for the Grant.

**CITY MANAGER SUPPORTING INFORMATION:**

In March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 (bond)". Based upon State Department of Finance population figures as of January 1, 2002, the City of San Diego will receive a total of \$11,063,430 on a Per Capita basis from the bond. On December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the Per Capita/RZH Per Capita funds to each council district, with a portion of the funding set aside for projects with citywide and regional impact. On February 20, 2004, the City entered into an umbrella contract with the State of California for the 2002 Resources Bond Act Per Capita/RZH Per Capita Grant Program.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

This action authorizes the City Manager to apply for bond RZH Per Capita Block funding to provide innovative recreational programming through the winter months at Allied Gardens, City Heights, Colina del Sol, Kearny Mesa, Martin Luther King, Jr., Swanson, and Tierrasanta Pools. The grant funds will be appropriated from the citywide portion of the RZH Per Capita funds, which are distributed by the Mayor. The grant will provide one-time operating and maintenance funds, including staff costs, for the seven pools from November 15, 2004, through February 28, 2005.

Due to budget constraints, the seven pool sites were scheduled to close on November 15, 2004. The infusion of grant funds will allow City staff to keep the pools open, ensuring continued access to pools for exercise programs, youth team-sports and recreational swimming. Last year, over 28,000 patrons swam at the seven pools during the November 15, through February 28, time frame. In addition to serving tens of thousands of swimmers, the program will employ nearly 50 part-time employees, many of whom are students.

**FISCAL IMPACT:**

This action will fund operating and maintenance costs for a 3 ½ month period at seven permanent pool sites.

Herring/Oppenheim/BD

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-203: Fiscal Year 2005 Winter Shelter and Cortez Hill Family Center Programs.

(See City Manager Report No. 04-235.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-482)

Accepting the City Manager's findings as outlined in the City Manager's Report, that there does not appear to be adequate shelter beds for the estimated number of homeless persons that reside within the City of San Diego; and therefore declaring, in accordance with Government Code Section 8698 through 8698.2, that a cold weather shelter emergency exists within the City of San Diego;

Declaring that the FY 2005 Winter Shelter Program and Cortez Hill Family Center Program outlined in the above mentioned City Manager's Report, constitutes in part the City's response addressing the sheltered emergency;

Authorizing the City Auditor and Comptroller to establish the FY 2005 Winter Shelter Program Fund and to appropriate and expend \$1,071,600 for the purpose of operating the FY 2005 Winter Shelter Program, provided that an Auditor's Certificate is furnished, demonstrating that the funds for such obligations are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to establish a FY 2005 Homeless Services Fund, and to appropriate and expend \$95,436 from the San Diego Housing Commission for the FY 2005 Winter Shelter Program provided that an Auditor's Certificate is furnished demonstrating that the funds for such obligations are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of \$65,000 of Community Development Block Grant (CDBG) funds to the Winter Shelter Program from Fund 18538, Dept. 4257, Org. 5701 (Energy Efficiency Project);

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-203: (Continued )

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend \$349,564 from the San Diego Housing Commission for the FY 2005 Cortez Hill Family Center Program provided that an Auditor's Certificate is furnished demonstrating that the funds for such obligations are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to negotiate and execute agreements associated with implementing the FY 2005 Winter Shelter Program and Homeless Services Programs, provided that the City Auditor and Comptroller first furnishes an Auditor's Certificate demonstrating that funds for such obligations are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend contributions, private donations, interest earnings, and other City funds associated with the approved 2005 Winter Shelter Program and the Cortez Hill Family Shelter Program;

Authorizing the City Auditor and Comptroller to transfer funding between the Winter Shelter Program and Cortez Hill Family Shelter Programs as needed at the direction of the City Manager or his designee;

Authorizing the City Manager to negotiate and execute agreements associated with implementing the FY 2005 Winter Shelter Program and Homeless Services Programs provided that the City Auditor and Comptroller first furnishes an Auditor's Certificate demonstrating that funds for such obligations are, or will be, on deposit in the City Treasury.

**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: **Notice** of Settlement of Property Damage Claim of Jesse Kelly and Channa Kelly.

(R-2005-335)

Adopted as Resolution R-299728 on October 4, 2004.

A Resolution approved by the City Council in Closed Session on Monday, October 4, 2004, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; District 4-vacant; Maienschein-not present; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the sum of \$18,000 in the settlement of each and every claim against the City, its agents and employees, in Superior Court Case No. GIC 824370, Jesse and Channa Kelly v. City of San Diego, et al. arising from the property damage claim of the Kellys;

Authorizing the City Auditor and Comptroller to issue, a check in the sum of \$18,000 made payable to Jesse and Channa Kelly and their attorney Douglas Jaffe in full settlement of the lawsuit and of all claims;

Declaring said funds are to be payable from Fund No. 41506.

Aud. Cert. 2500288.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.



**PUBLIC NOTICES: (Continued)**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Settlement of Personal Injury Claim of Gloria Fennell.

(R-2005-368)

Adopted as Resolution R-299694 on September 27, 2004.

A Resolution approved by the City Council in Closed Session on Monday, September 27, 2004, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; District 4-vacant; Maienschein-not present; Frye-not present; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the sum of \$200,000 to Gloria Fennell and her attorney, John Y. Tremblatt, in the settlement of each and every claim by Gloria Fennell against the City of San Diego, its agents and employees, resulting from injuries received in an accident on July 17, 2002;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$200,000, made payable to Gloria Fennell and her attorney of record, John Y. Tremblatt, in full settlement of all claims. This constitutes the complete and final settlement of the personal injury claim of Gloria Fennell against the City of San Diego, its agents and employees, as a result of an incident, which occurred on July 17, 2002.

Aud. Cert. 2500292.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: **Notice** of Pending Final Map Approval – Prospect Point Villas.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Prospect Place Villas” (T.M. Waiver No. 14850 PTS No. 42738), a copy of which is available for public viewing at the Office of the San Diego City Clerk. Said project is located southwesterly of La Jolla Boulevard and Prospect Street in the La Jolla Community Plan Area in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly, which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: **Notice** of Pending Final Map Approval – Southpark Townhomes.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Southpark Townhomes” (T.M. No. 10483 PTS No. 40327), a copy of which is available for public viewing at the Office of the San Diego City Clerk. Said project is located northeasterly of A Street and 26<sup>th</sup> Street in the Greater Golden Hill Community Plan Area in Council District 8. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly, which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-254: **Notice** of Pending Final Map Approval – Wilson Villas.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Wilson Villas 3” (T.M. No. 48780 PTS No. 28604), located northeasterly of Meade Avenue and Wilson Avenue in the Mid-City and Normal Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly, which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-255: **Notice** of Pending Final Map Approval - Glenridge.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Glenridge" (T.M. No. 10838 PTS No. 36779), a copy of which is available for public viewing at the Office of the San Diego City Clerk. Said project is located southwesterly of 60<sup>th</sup> Street and El Cajon Boulevard in the College Community Plan Area in Council District 7. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly, which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT